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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2623

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10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/080,949

Applicant(s)

WEINBLATT ET AL.

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-19, 21-24, 26-34 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-19, 21-24, 26-34 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive.

Page 18, paragraph beginning with "The Examiner identifies":

The applicant argues that the common data cited is not common data, but is instead websites. Matheny (column 4, lines 29-32 and 49-52) teaches that the triggers sent by the Information Store (220) synchronize the content of a webpage with a broadcast program, wherein the template can be locally stored on the user's STB. The examiner is interpreting the template as an html page that can be seen by the example of a trigger shown on column 4, line 59-60, which meets the limitation of common information stored on a STB.

Page 18, last paragraph:

The applicant argues that Matheny does not teach the specific output data disclosed in the claim. Matheny (Abstract) teaches a system wherein a user is prompted with a question related to commercial that was just displayed for the user, and if the user answers the question correctly they are rewarded. The portion cited by the examiner teaches the answering of the question, but transmitting the log file up to the Information Store. If the user answers correctly, a specifically addressed message is sent to the user to inform them of their reward (column 4, lines 14-32), and this unique message is interpreted as specific output data.

Page 20, questions at the top of the page:

1. The commercial in Matheny is the program related output
2. The templates are common to the questionnaire and the rewards.
3. The specifically addressed reward is considered a unique output.

Page 20, paragraph beginning with "Moreover":

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the option of having "flashier advertisements" which would include the interactivity taught by Matheny would be a valid motivation for combining the reference with Holman.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7-9, 11-14, 17-29, 21-24, 26-29, 32-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman in view of Matheny.

Referring to claim 1, Holman teaches an interactive method for generating a supplementary, program-related output, comprising:

obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission );

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);  
performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64);  
and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal;  
and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use add the common and specific data taught by Matheny to the method disclosed by Holman. The motivation would have been to allow for flashier

advertisements, by storing the common information on the STB, to get the user to view the advertisements (Matheny: column 1, lines 65-67).

Referring to claim 2, depending on claim 1, Holman teaches the interactive method of claim 1, wherein said supplementary, program-related data signal includes all data necessary to produce a human-perceptible output (Column 6 lines 5-20 teaches a user request being made to store the coupon and because of the logo on the screen).

Referring to claim 3, depending on claim 2, Holman teaches the interactive method wherein said output of said stored supplementary, program-related data signal comprises printing (Column 10 lines 58-66 teaches the coupon can be printed).

Referring to claim 4, depending on claim 2, Holman teaches the interactive method wherein said output of said stored supplementary, program-related data signal comprises electronic recordal in a portable device adapted for use in a reader (Column 10 lines 58-61).

Referring to claim 7, depending on claim 1, Holman teaches the interactive method, wherein said control signal is generated by a handheld, remote control device (Figure 2 element 43 and Column 8 lines 51-55).



Referring to claim 8, depending on claim 1, Holman teaches the interactive method further comprising generating an indication responsive to said supplementary, program-related data signal being received in said broadcast signal to alert the audience that such a supplementary, program-related output is interactively available with the received programming signal being performed (Column 6 lines 5-12).

Referring to claim 9, depending on claim 8, Holman teaches the interactive method wherein said indication is visual (Column 6 lines 5-12).

Referring to claim 11, Holman teaches an interactive method for generating a supplementary, program-related output from a broadcast signal that is a combination of a programming signal and a supplementary, program-related data signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data), said method comprising:

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 12, depending on claim 11, see rejection of claim 2.

Referring to claim 13, depending on claim 12, see rejection of claim 3.

Referring to claim 14, depending on claim 12, see rejection of claim 4.

Referring to claim 17, depending on claim 11, see rejection of claim 7.

Referring to claim 18, depending on claim 11, see rejection of claim 8.

Referring to claim 19, depending on claim 18, see rejection of claim 9.

Referring to claim 21, Holman teaches an interactive method for generating a supplementary, program-related output, comprising:

obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

enabling access to said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively access said supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 22, depending on claim 21, Holman teaches wherein said step of enabling access to said supplementary, program-related data signal comprises storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128).

Referring to claim 23, Holman teaches an interactive method for generating a supplementary, program-related output, comprising:  
obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

storing said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

enabling retrieval of said stored supplementary, program-related data signal (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;



wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 24, depending on claim 23, see rejection of claim 2.

Referring to claim 26, Holman teaches an apparatus for interactively generating a supplementary, program-related output, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

means for storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

means for enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 27, depending on claim 26, see rejection of claim 2.

Referring to claim 28, depending on claim 27, see rejection of claim 3.

Referring to claim 29, depending on claim 27, see rejection of claim 4.

Referring to claim 32, depending on claim 26, see rejection of claim 7.

Referring to claim 33, depending on claim 26, see rejection of claim 8.

Referring to claim 34, depending on claim 33, see rejection of claim 9.

Referring to claim 36, Holman teaches an apparatus (Figure 2) for interactively generating a supplementary, program-related output from a broadcast signal that is a combination of a programming signal and a supplementary, program-related data signal, said apparatus comprising:

means for receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

means for enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 37, Holman teaches an apparatus (Figure 2) for interactively generating a supplementary, program-related output from a broadcast signal, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source;  
means for receiving said broadcast signal (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

means for enabling access to said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively access said supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).



Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

Referring to claim 38, Holman teaches an apparatus (Figure 2) for interactively generating a supplementary, program-related output from a broadcast signal, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for receiving said broadcast signal (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

means for storing said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

means for enabling retrieval of said stored supplementary, program-related data signal (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to retrieve said supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Holman does not disclose a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data and specific output data, with said common output data being common to at least two of said outputs, and said specific output data being unique to said outputs, respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data;

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal; and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal.

In an analogous art, Matheny teaches a method wherein a plurality of supplementary, program-related outputs comprise a combination of common output data (column 2, lines 50-55; column 4, lines 49-52) and specific output data (column 3, lines 59-62 and 66-67; column 4, lines 1 and 28-32), with said common output data being common to at least two of said outputs (column 2, lines 50-55), and said specific output data being unique to said outputs (column 3, lines 59-62), respectively;

wherein said supplementary, program-related data signal combined with said programming signal includes said specific output data (column 4, lines 59-60);

wherein said common output data is pre-stored locally with respective members of said audience for retrieval rather than being broadcast with said programming signal (column 2, lines 50-55); and

wherein said pre-stored common output data is retrieved and combined with said received specific output data to generate said supplementary, program-related output in response to said control signal (column 4, lines 49-52 and 59-60; figure 2, part 260).

2. Claims 5, 6, 15, 16, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holman in view of Matheny as applied to the claims above, and further in view of Kitsukawa.

Referring to claim 5, depending on claim 2, Holman fails to teach the interactive method wherein said programming signal is for a commercial to advertise a product, said human-perceptible output is a reward related to purchase of said product, and said supplementary, program-related data signal is a reward data signal.

In an analogous art Kitsukawa teaches the interactive method wherein said programming signal is for a commercial to advertise a product (Column 10 lines 37-43), said human-perceptible output is a reward related to purchase of said product (Column 10 lines 43-50 teaches receiving coupons for products and services in television commercials), and said supplementary, program-related data signal is a reward data signal (Column 10 lines 51-54 teaches receiving the coupons at the same time as program scenes and Column 5 lines 29-37).

At the time the invention was made it would have been obvious for one skilled in the art to modify the television coupon distribution method of Holman using the commercial coupon reward method of Kitsukawa for the purpose of allowing the consumer to save money on particular products during particular times (Column 2 lines 1-4, Kitsukawa).

Referring to claim 6, depending on claim 5, Holman teaches the interactive method wherein said human-perceptible output produced from said reward data signal

is a discount coupon (Column 6 lines 7-20 teaches the message/rewards signal on the screen is a coupon and a coupon by definition means a printed form, as in an advertisement, to be used as an order blank or for requesting information or obtaining a discount on merchandise).

Referring to claim 15, depending on claim 12, see rejection of claim 5.

Referring to claim 16, depending on claim 15, see rejection of claim 6.

Referring to claim 30, depending on claim 27, see rejection of claim 5.

Referring to claim 31, depending on claim 30, see rejection of claim 6.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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